

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,
v.

Case No. 2:19-CR-00099

CHRISTOPHER GARDNER,

Defendant.

**DEFENDANT'S UNOPPOSED MOTION FOR MODIFICATION
OF SCHEDULING ORDER**

Defendant Christopher Gardner, by his counsel, Jason D. Luczak and Nicole M. Masnica of Gimbel, Reilly, Guerin & Brown LLP, hereby moves the Court for a modification of the scheduling order amended by the Defendant's unopposed motion on December 14, 2022.

An indictment charging Christopher C. Gardner with four counts of Wire Fraud was issued in this case on May 29, 2019. Doc. #1. The case was subsequently designated complex by the district court following an oral motion made at the Initial Appearance hearing on June 17, 2022. The Court made a speedy trial finding at a counsel-only scheduling conference held on July 21, 2022, which excluded the 60 days between that hearing and the next, which was held on September 22, 2022. Doc. #19. Prior to the September hearing, the parties met and conferred regarding the deadlines for motions, and undersigned counsel filed a letter proposing that defense motions be filed by

December 20, 2022, the Government's response by January 10, 2023, and defense reply briefs by January 20, 2023. Doc #22. These proposed dates were adopted by the Court on September 22, 2022. Doc #23. Defense filed an unopposed motion to modify the scheduling order on December 14, 2022 to extend the motion deadlines by two days. Doc #24. The scheduling order was modified by the Court on the same date. The current deadline for motions to be filed is December 22, 2022.

On December 9, 2022, the government provided additional discovery that includes hundreds of hours of calls and hundreds of text messages provided by the jail where Gardner is currently located. While counsel has expedited review these materials, it has become clear that the sheer size of additional discovery will not be able to be reviewed until after the currently set motion deadline. Furthermore, undersigned counsel and the government have been in communication regarding an additional and substantial discovery issue related to the defense's request to conduct testing on the subject vehicle. The parties need additional time to work out this issue and attempt to resolve it before including it in the motions, as required by Local Rule. The matter is made more complicated because there are issues related to whether such testing will be approved by the individuals subject to civil litigation related to the vehicle.

Undersigned counsel is therefore requesting that the deadlines for pretrial motions be expanded by four weeks, setting the deadline for motions to be filed on or before January 18, 2023, responses on or before February 9, 2023, and replies, if any, by February 19, 2023.

In advance of this motion, undersigned counsel contacted Assistant United States Attorney John Scully, who has reviewed this motion and does not object to this request.

For these reasons, there is good cause to extend the deadline in this matter, and requests modification of the established scheduling order to reflect the dates listed above.

Dated this 21st day of December, 2022.

Respectfully submitted,

GIMBEL, REILLY, GUERIN & BROWN LLP

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